

HOUSE BILL No. 5103

September 26, 2001, Introduced by Rep. Birkholz and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16105, 16106, 16108, 16109, 16128, 16163,
16174, 16186, 16261, 16323, 16327, 16608, 16624, 17210, and 17221
(MCL 333.16105, 333.16106, 333.16108, 333.16109, 333.16128,
333.16163, 333.16174, 333.16186, 333.16261, 333.16323, 333.16327,
333.16608, 333.16624, 333.17210, and 333.17221), section 16106 as
amended by 1997 PA 153, sections 16108 and 16186 as amended and
sections 16323 and 16327 as added by 1993 PA 80, section 16109 as
amended by 1991 PA 58, section 16174 as amended by 1998 PA 227,
sections 16608 and 16624 as amended by 1990 PA 216, and section
17221 as amended by 1993 PA 79.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16105. (1) "Health occupation" means a health related
2 vocation, calling, occupation, or employment performed by

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1 ~~individuals~~ AN INDIVIDUAL whether or not THE INDIVIDUAL IS
2 licensed or registered under this article.

3 (2) "Health profession" means a vocation, calling, occupa-
4 tion, or employment performed by ~~individuals~~ AN INDIVIDUAL
5 acting pursuant to a license or registration issued under this
6 article.

7 (3) "Health profession specialty field" means an area of
8 practice established under this article ~~which~~ THAT is within
9 the scope of activities, functions, and duties of a licensed
10 health profession and ~~which~~ THAT requires advanced education
11 and training beyond that required for initial licensure.

12 (4) "HEALTH PROFESSION SPECIALTY FIELD LICENSE" MEANS AN
13 AUTHORIZATION TO USE A TITLE ISSUED TO A LICENSEE WHO HAS MET
14 QUALIFICATIONS ESTABLISHED BY A BOARD FOR REGISTRATION IN A
15 HEALTH PROFESSION SPECIALTY FIELD. AN INDIVIDUAL WHO HOLDS A
16 SPECIALTY CERTIFICATION ON THE EFFECTIVE DATE OF THE AMENDATORY
17 ACT THAT ADDED THIS SUBSECTION IS CONSIDERED TO HOLD A HEALTH
18 PROFESSION SPECIALTY FIELD LICENSE AND MAY OBTAIN RENEWAL OF THE
19 HEALTH PROFESSION SPECIALTY FIELD LICENSE ON THE EXPIRATION DATE
20 OF THE SPECIALTY CERTIFICATION.

21 (5) ~~(4)~~ "Health profession subfield" means an area of
22 practice established under this article which is within the scope
23 of the activities, functions, and duties of a licensed health
24 profession, and requires less comprehensive knowledge and skill
25 than is required to practice the full scope of the health
26 profession.

1 Sec. 16106. (1) "Incompetence" means a departure from, or
2 failure to conform to, minimal standards of acceptable and
3 prevailing practice for ~~the~~ A health profession, whether or not
4 actual injury to an individual occurs.

5 (2) "License", except as otherwise provided in this subsec-
6 tion, means an authorization issued under this article to prac-
7 tice where practice would otherwise be unlawful. License
8 includes an authorization to use a designated title which use
9 would otherwise be prohibited under this article and may be used
10 to refer to a health profession subfield license, limited
11 license, or a temporary license. For purposes of the definition
12 of "prescriber" contained in section 17708(2) only, license
13 includes an authorization issued under the laws of another state,
14 or the country of Canada, to practice in that state, or the coun-
15 try of Canada, where practice would otherwise be unlawful, and is
16 limited to a licensed doctor of medicine, a licensed doctor of
17 osteopathic medicine and surgery, or another licensed health pro-
18 fessional acting under the delegation and using, recording, or
19 otherwise indicating the name of the delegating licensed doctor
20 of medicine or licensed doctor of osteopathic medicine and
21 surgery. LICENSE DOES NOT INCLUDE A HEALTH PROFESSION SPECIALTY
22 FIELD LICENSE.

23 (3) "Licensee", as used in a part that regulates a specific
24 health profession, means ~~a person~~ AN INDIVIDUAL to whom a
25 license is issued under that part, and as used in this part means
26 each licensee regulated by this article.

1 (4) "Limitation" means an action by which a board imposes
2 restrictions or conditions, or both, on a license.

3 (5) "Limited license" means a license to which restrictions
4 or conditions, or both, as to scope of practice, place of prac-
5 tice, supervision of practice, duration of licensed status, or
6 type or condition of patient or client served are imposed by a
7 board.

8 Sec. 16108. (1) "Reclassification" means an action by a
9 disciplinary subcommittee by which restrictions or conditions, or
10 both, applicable to a license are added or removed.

11 (2) "Registration" means an authorization only for the use
12 of a designated title which use would otherwise be prohibited
13 under this article. ~~It~~ REGISTRATION includes ~~specialty certi-~~
14 ~~fication of a licensee~~ A HEALTH PROFESSION SPECIALTY FIELD
15 LICENSE.

16 (3) "Registrant" as used in ~~any~~ A part that regulates the
17 use of a title means an individual to whom a registration or A
18 HEALTH PROFESSION specialty ~~certification~~ FIELD LICENSE is
19 issued under that part, and as used in this part means each reg-
20 istrant regulated by this article.

21 (4) "Reinstatement" means the granting of a license or cer-
22 tificate of registration, with or without limitations or condi-
23 tions, to ~~a person~~ AN INDIVIDUAL whose license or certificate
24 of registration has been suspended or revoked.

25 (5) "Relicensure" means the granting of a license to ~~a~~
26 ~~person~~ AN INDIVIDUAL whose license has lapsed for failure to
27 renew the license within 60 days after the expiration date.

1 (6) "Reregistration" means the granting of a certificate of
2 registration to ~~a person~~ AN INDIVIDUAL whose certificate of
3 registration has lapsed for failure to renew the certificate
4 within 60 days after the expiration date.

5 Sec. 16109. ~~-(1) "Specialty certification" means an autho-~~
6 ~~rization to use a title by a licensee who has met qualifications~~
7 ~~established by a board for registration in a health profession~~
8 ~~specialty field.~~

9 (1) ~~-(2)-~~ "Supervision", except as otherwise provided in
10 this article, means the overseeing of or participation in the
11 work of another individual by a health professional licensed
12 under this article in circumstances where at least all of the
13 following conditions exist:

14 (a) The continuous availability of direct communication in
15 person or by radio, telephone, or telecommunication between the
16 supervised individual and a licensed health professional.

17 (b) The availability of a licensed health professional on a
18 regularly scheduled basis to review the practice of the super-
19 vised individual, to provide consultation to the supervised indi-
20 vidual, to review records, and to further educate the supervised
21 individual in the performance of the individual's functions.

22 (c) The provision by the licensed supervising health profes-
23 sional of predetermined procedures and drug protocol.

24 (2) ~~-(3)-~~ "Task force" means a task force created by this
25 article.

26 (3) ~~-(4)-~~ "Temporary license" means a license of limited
27 duration granted to an applicant who has completed all

1 requirements for licensure except an examination or other
2 required evaluation procedure.

3 Sec. 16128. (1) A health profession subfield task force
4 shall be composed of a majority of members licensed in the sub-
5 fields of the health profession ~~which~~ THAT are created by this
6 article and shall include at least 1 licensed member from each of
7 the subfields of the health profession ~~which~~ THAT is created by
8 this article. A health profession subfield task force shall
9 include at least 1 public member and 1 member of that profession
10 who holds a license other than a subfield license in that health
11 profession.

12 (2) A health profession specialty field task force shall be
13 composed of a majority of members ~~certified~~ REGISTERED in the
14 specialty fields of the health profession ~~which~~ THAT are cre-
15 ated by this article. A health profession specialty field task
16 force shall include at least 1 public member and 1 member of that
17 health profession who is a member of the board.

18 Sec. 16163. A task force shall recommend to the board as
19 to:

20 (a) Determination of standards of education, training, and
21 experience required for practice in a health profession subfield
22 or for ~~certification~~ REGISTRATION in a health profession spe-
23 cialty field, and where appropriate, guidelines for approval of
24 educational programs for the HEALTH PROFESSION subfield or HEALTH
25 PROFESSION specialty field.

1 (b) Qualifications required of applicants for licensure in
2 health profession subfields or for ~~certification~~ REGISTRATION
3 in health profession specialty fields.

4 (c) Evaluation of qualifications for initial and continuing
5 licensure of practitioners in health profession subfields or
6 HEALTH PROFESSION specialty fields. The evaluation may cover
7 assessment of educational credentials, work experience and
8 related training, and administration of tests and examinations.

9 (d) Guidelines for utilization of, and standards of practice
10 for, licensees in health profession subfields or REGISTRANTS IN
11 HEALTH PROFESSION specialty fields.

12 Sec. 16174. (1) An individual who is licensed or registered
13 under this article shall meet all of the following requirements:

14 (a) Be 18 or more years of age.

15 (b) Be of good moral character.

16 (c) Have a specific education or experience in the health
17 profession or in a HEALTH PROFESSION subfield or HEALTH
18 PROFESSION specialty field of ~~a~~ THE health profession, or
19 training equivalent, or both, as prescribed by this article or
20 rules of a board necessary to promote safe and competent practice
21 and informed consumer choice.

22 (d) Have a working knowledge of the English language as
23 determined in accordance with minimum standards established for
24 that purpose by the department.

25 (e) Pay the appropriate fees as prescribed in this article.

26 (2) In addition to the requirements of subsection (1), an
27 applicant for licensure, registration, or A HEALTH PROFESSION

1 specialty ~~certification~~ SUBFIELD LICENSE under this article
2 shall meet all of the following requirements:

3 (a) Establish that disciplinary proceedings before a similar
4 licensure, registration, or specialty LICENSURE OR SPECIALTY cer-
5 tification board of this or any other state, of the United States
6 military, of the federal government, or of another country are
7 not pending against the applicant.

8 (b) Establish that if sanctions have been imposed against
9 the applicant by a similar licensure, registration, or specialty
10 LICENSURE OR SPECIALTY certification board of this or any other
11 state, of the United States military, of the federal government,
12 or of another country based upon grounds that are substantially
13 similar to those set forth in this article or article 7 or the
14 rules promulgated under this article or article 7, as determined
15 by the board or task force to which the applicant applies, the
16 sanctions are not in force at the time of application.

17 (c) File with the board or task force a written, signed con-
18 sent to the release of information regarding a disciplinary
19 investigation involving the applicant conducted by a similar
20 licensure, registration, or specialty LICENSURE OR SPECIALTY cer-
21 tification board of this or any other state, of the United States
22 military, of the federal government, or of another country.

23 (3) Before licensing, registering, or ~~certifying~~ ISSUING A
24 HEALTH PROFESSION SPECIALTY FIELD LICENSE TO an applicant, the
25 board or task force to which the applicant applies may do 1 of
26 the following:

1 (a) Make an independent inquiry into the applicant's
2 compliance with the requirements described in subsection (2). If
3 a licensure or registration board or task force determines under
4 subsection (2)(b) that sanctions have been imposed and are in
5 force at the time of application, the board or task force shall
6 not grant a license or registration or HEALTH PROFESSION spe-
7 cialty ~~certification~~ FIELD LICENSE to the applicant.

8 (b) Require the applicant to secure from a national associa-
9 tion or federation of state professional licensing boards certi-
10 fication of compliance with the requirements described in subsec-
11 tion (2).

12 (4) If, after issuing a license, registration, or
13 ~~certification~~ HEALTH PROFESSION SPECIALTY FIELD LICENSE, a
14 board or task force or the department determines that sanctions
15 have been imposed against the licensee or registrant by a similar
16 licensure or registration or SPECIALTY LICENSURE OR SPECIALTY
17 certification board as described in subsection (2)(b), the disci-
18 plinary subcommittee may impose appropriate sanctions upon the
19 licensee or registrant. The licensee or registrant may request a
20 show cause hearing before a hearing examiner to demonstrate why
21 the sanctions should not be imposed.

22 (5) An applicant for licensure, registration, or A HEALTH
23 PROFESSION specialty ~~certification~~ FIELD LICENSE who is or has
24 been licensed, registered, or certified in a health profession or
25 specialty by another state or country shall disclose that fact on
26 the application form.

1 Sec. 16186. (1) An individual who is licensed to practice a
2 health profession in another state or who is registered in
3 another state or who holds A HEALTH PROFESSION SPECIALTY FIELD
4 LICENSE OR specialty certification from another state and who
5 applies for licensure, registration, or A HEALTH PROFESSION spe-
6 cialty ~~certification~~ FIELD LICENSE in this state may be granted
7 an appropriate license or registration OR HEALTH PROFESSION SPE-
8 CIALTY FIELD LICENSE upon satisfying the board or task force to
9 which the applicant applies as to all of the following:

10 (a) The applicant substantially meets the requirements of
11 this article and rules promulgated by a board or task force for
12 licensure, registration, or A HEALTH PROFESSION specialty
13 ~~certification~~ FIELD LICENSE.

14 (b) The applicant is licensed, registered, or SPECIALTY cer-
15 tified OR SPECIALTY LICENSED in another state that maintains
16 standards substantially equivalent to those of this state.

17 (2) Before licensing, registering, or ~~certifying~~ GRANTING
18 A HEALTH PROFESSION SPECIALTY FIELD LICENSE TO the applicant, the
19 board or task force to which the applicant applies may require
20 the applicant to appear personally before it for an interview to
21 evaluate the applicant's relevant qualifications.

22 Sec. 16261. (1) ~~A person~~ AN INDIVIDUAL who is not
23 licensed or registered under this article shall not use an insig-
24 nia, title, or letter, or a word, letter, or phrase singly or in
25 combination, with or without qualifying words, letters, or
26 phrases, under a circumstance to induce the belief that the
27 ~~person~~ INDIVIDUAL is licensed or registered in this state, is

1 lawfully entitled in this state to engage in the practice of a
 2 profession regulated by this article, or is otherwise in compli-
 3 ance with this article.

4 (2) An individual shall not announce or hold himself or her-
 5 self out to the public as limiting his or her practice to, as
 6 being specially qualified in, or as giving particular attention
 7 to a health profession specialty field for which a board issues a
 8 HEALTH PROFESSION specialty ~~certification~~ FIELD LICENSE, with-
 9 out first having obtained ~~a~~ THE HEALTH PROFESSION specialty
 10 ~~certification~~ field license.

11 Sec. 16323. Fees for ~~a person~~ AN INDIVIDUAL licensed or
 12 seeking licensure to practice as a dentist, dental assistant, or
 13 dental hygienist under part 166 are as follows:

14 (a) Application processing fees:

15 (i) Dentist.....	\$ 20.00
16 (ii) Dental assistant.....	10.00
17 (iii) Dental hygienist.....	15.00
18 (iv) Dental HEALTH PROFESSION specialty FIELD LICENSE	
19 FOR A DENTIST.....	20.00

20 (b) Examination fees:

21 (i) Dental assistant's examination, complete.....	70.00
22 (ii) Dental assistant's examination, per part.....	35.00
23 (iii) Dental DENTIST'S HEALTH PROFESSION specialty	
24 FIELD LICENSE examination, complete.....	300.00
25 (iv) Dental DENTIST'S HEALTH PROFESSION specialty	
26 FIELD LICENSE examination, per part.....	100.00

1	(c) License fees, per year:	
2	(i) Dentist.....	90.00
3	(ii) Dental assistant.....	10.00
4	(iii) Dental hygienist.....	20.00
5	(iv) Dental DENTIST'S HEALTH PROFESSION specialty	
6	FIELD LICENSE.....	15.00
7	(d) Temporary license fees:	
8	(i) Dentist.....	20.00
9	(ii) Dental assistant.....	5.00
10	(iii) Dental hygienist.....	10.00
11	(e) Limited license fee, per year:	
12	(i) Dentist.....	25.00
13	(ii) Dental assistant.....	5.00
14	(iii) Dental Hygienist.....	10.00
15	(f) Examination review fees:	
16	(i) Dental preclinical or DENTIST'S HEALTH PROFESSION	
17	specialty FIELD LICENSE.....	50.00
18	(ii) Dental assistant.....	20.00
19	Sec. 16327. Fees for a person AN INDIVIDUAL licensed or	
20	seeking licensure to practice nursing as a registered	
21	PROFESSIONAL nurse, a licensed practical nurse, or a trained	
22	attendant under part 172 are as follows:	
23	(a) Application processing fee.....	\$ 20.00
24	(b) License fee, per year.....	20.00
25	(c) Temporary license.....	10.00
26	(d) Limited license, per year.....	10.00

1 (e) ~~Specialty certification~~ HEALTH PROFESSION SPECIALTY FIELD
 2 LICENSE for A registered PROFESSIONAL nurse:

3 (i) Application processing fee..... 20.00

4 (ii) ~~Specialty certification~~ HEALTH PROFESSION SPE-
 5 CIALTY FIELD LICENSE, per year..... 10.00

6 Sec. 16608. (1) The board may issue a health profession
 7 specialty ~~certification~~ FIELD LICENSE to a licensed dentist who
 8 has advanced training beyond that required for initial licensure
 9 and who has demonstrated competency through examination or other
 10 evaluative processes in 1 or more of the following HEALTH
 11 PROFESSION specialty fields: prosthodontics, endodontics, oral
 12 and maxillofacial surgery, orthodontics, pediatric dentistry,
 13 periodontics, or oral pathology. A LICENSED DENTIST WHO HOLDS A
 14 HEALTH PROFESSION SPECIALTY CERTIFICATION IN 1 OR MORE OF THE
 15 HEALTH PROFESSION SPECIALTY FIELDS LISTED IN THIS SUBSECTION ON
 16 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
 17 SUBSECTIONS (3) AND (4) IS CONSIDERED TO HOLD A HEALTH PROFESSION
 18 SPECIALTY FIELD LICENSE IN EACH OF THOSE HEALTH PROFESSION SPE-
 19 CIALTY FIELDS AND MAY OBTAIN RENEWAL OF EACH HEALTH PROFESSION
 20 SPECIALTY FIELD LICENSE ON THE EXPIRATION DATE OF THE SPECIALTY
 21 CERTIFICATION.

22 (2) A health profession specialty ~~certification~~ FIELD
 23 LICENSE issued pursuant to subsection (1) shall be renewed con-
 24 currently with the license to practice dentistry.

25 (3) THIS SECTION DOES NOT PROHIBIT A LICENSED DENTIST WHO
 26 HAS NOT BEEN ISSUED A HEALTH PROFESSION SPECIALTY FIELD LICENSE

1 UNDER SUBSECTION (1) FROM PERFORMING SERVICES IN 1 OR MORE OF THE
2 HEALTH PROFESSION SPECIALTY FIELDS LISTED IN SUBSECTION (1).

3 (4) FOR PURPOSES OF THE ADMINISTRATION OF THE GENERAL RULES
4 OF THE BOARD OF DENTISTRY IN THE MICHIGAN ADMINISTRATIVE CODE, A
5 REFERENCE TO SPECIALTY CERTIFICATION IS A REFERENCE TO A HEALTH
6 PROFESSION SPECIALTY FIELD LICENSE.

7 Sec. 16624. A task force to advise the board is created for
8 health profession specialty fields ~~certified~~ REGISTERED under
9 this part. The task force ~~shall consist~~ CONSISTS of the fol-
10 lowing 9 members, who shall meet the requirements of part 161; 1
11 dentist who is not a specialist, 1 prosthodontist, 1 endodontist,
12 1 oral and maxillofacial surgeon, 1 orthodontist, 1 pediatric
13 dentist, 1 periodontist, 1 oral pathologist, and 1 public
14 member. ~~The oral pathologist shall be certified as a dentist~~
15 ~~specializing in oral pathology by the board not later than 1 year~~
16 ~~after the effective date of the amendatory act that added an oral~~
17 ~~pathologist to the task force. If the oral pathologist is not so~~
18 ~~certified, his or her term shall terminate at the end of that~~
19 ~~year.~~

20 Sec. 17210. (1) The board of nursing may issue a HEALTH
21 PROFESSION specialty ~~certification~~ FIELD LICENSE to a regis-
22 tered professional nurse who has advanced training beyond that
23 required for initial licensure and who has demonstrated compe-
24 tency through examination or other evaluative processes and who
25 practices in 1 of the following health profession specialty
26 fields: nurse midwifery, nurse anesthetist, or nurse
27 practitioner.

1 (2) FOR PURPOSES OF THE ADMINISTRATION OF PART 4 OF THE
2 GENERAL RULES OF THE BOARD OF NURSING, BEING R 338.10401 TO
3 R 338.10406 OF THE MICHIGAN ADMINISTRATIVE CODE, A REFERENCE TO
4 SPECIALTY CERTIFICATION IS A REFERENCE TO A HEALTH PROFESSION
5 SPECIALTY FIELD LICENSE.

6 Sec. 17221. The Michigan board of nursing is created in the
7 department and ~~shall consist~~ CONSISTS of the following 23
8 voting members who ~~shall~~ meet the requirements of part 161: 9
9 registered professional nurses, 1 nurse midwife, 1 nurse anesthe-
10 tist, 1 nurse practitioner, 3 licensed practical nurses, and 8
11 public members. Three of the registered professional nurse mem-
12 bers shall be engaged in nursing education, 1 of whom shall be in
13 less than a baccalaureate program, 1 in a baccalaureate or higher
14 program and 1 in a licensed practical nurse program and each of
15 whom shall have a master's degree from an accredited college with
16 a major in nursing. Three of the registered professional nurse
17 members shall be engaged in nursing practice or nursing adminis-
18 tration, each of whom shall have a baccalaureate degree in nurs-
19 ing from an accredited college. Three of the registered profes-
20 sional nurse members shall be engaged in nursing practice or
21 nursing administration, each of whom shall be a nonbaccalaureate
22 registered PROFESSIONAL nurse. The 3 licensed practical nurse
23 members shall have graduated from a state approved program for
24 the preparation of individuals to practice as licensed practical
25 nurses. The nurse midwife, the nurse anesthetist, and the nurse
26 practitioner shall each have a HEALTH PROFESSION specialty

1 ~~certification~~ FIELD LICENSE issued by the department in his or
2 her respective HEALTH PROFESSION specialty field.